

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**CERTIFICATION OF CPNI FILING FEBRUARY 6, 2006  
OF  
NEXTG NETWORKS, OF CALIFORNIA, INC.**

**EB-06-TC-060 / WC DOCKET NO. 06-36**

Pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006, DA 06-223, NextG Networks of California, Inc., through counsel, hereby files its compliance certificate required by Section 64.2009(e) of the Commission's rules.

Respectfully Submitted,



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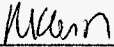
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**Counsel for NextG Networks of  
California, Inc.**

February 6, 2006

## ANNUAL CERTIFICATE OF COMPLIANCE

I, Raymond K. Ostby, CFO, Treasurer and Secretary of NextG Networks of California, Inc. ("NextG") hereby certify that I have personal knowledge that NextG has established operating procedures that are adequate to ensure compliance with the Commission's rules governing use and disclosure of confidential proprietary network information ("CPNI"), as governed by 47 C.F.R. 64.2001, *et. seq.* Attached to this certificate is a statement explaining how the operating procedures of NextG ensure that it is in compliance with the Commission's CPNI rules.

  
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Raymond K. Ostby  
Chief Financial Officer, Treasurer,  
and Secretary

Dated: February 3, 2006

**STATEMENT CONCERNING PROCEDURES**  
**ENSURING COMPLIANCE WITH CPNI REGULATIONS**

The internal operating procedures and practices of NextG Networks of California, Inc., ("Company") ensure that the Company complies with the FCC's rules at 47 C.F.R. § 64.2001, *et. seq.*, governing the use of CPNI. Company only offers one category of telecommunications service and therefore any use of CPNI falls within 47 C.F.R. § 64.2005(a). Moreover, as a carrier's carrier, Company executes specific nondisclosure agreement with all of its customers, governing the confidentiality of the customer's information. Nonetheless, Company's compliance with the FCC's CPNI rules is further demonstrated by the policies, practices, training and audit procedures employed by Company. Following is a brief explanation of the procedures Company employs.

First, as to the use of CPNI for marketing purposes, Company does not use CPNI for the purpose of marketing service offerings among the different categories of service that Company provides to subscribers because Company only offers one category of service. Company does, however, use CPNI to market service offerings among the same category of service to which the customer already subscribes.

Second, Company will only release or disclose CPNI to a third party pursuant to a valid request from law enforcement, the federal judiciary or other appropriate authority. For example, customer information will only be disclosed after the requesting party demonstrates that the request is made pursuant to a valid subpoena, court order, search warrant or national security letter. In addition, Company has a policy of providing its customers with 10 days advanced notice and an opportunity to object prior to releasing such information to third parties.

Third, Company employs a variety of operating procedures to ensure compliance

with CPNI regulations. Such procedures include:

A) As noted above, Company has specific nondisclosure agreements with every customer, and thus has a system that records each subscriber's individual privacy preferences and allows for changes to those preferences as validly requested by the subscriber. This system enables Company to determine the status of a customer's CPNI approval prior to the use of CPNI.

B) Development of a program for the training of employees regarding the use of CPNI, and the implementation and administration of an employee disciplinary program used to ensure compliance with internal procedures.

C) The maintenance of records of Company's and its affiliates' marketing that uses CPNI, and records of disclosure of CPNI to third parties (such release occurring only pursuant to valid request from law enforcement, the federal judiciary or other appropriate authority). In addition, Company has a policy of providing its customers with 10 days advanced notice and an opportunity to object prior to releasing such information to third parties. Such records are maintained for at least one year.

D) As a carrier's carrier, Company does not have any subscriber list information as defined by 47 U.S.C. § 222(h)(3).